IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.190 OF 2007

Shri Ramdas Bhagwan Devkate. ..Petitioner.

Versus

The State of Maharashtra ...Respondent.

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Mr.V.V.Purwant, Adv. for the Petitioner.
Mr.S.R.Shinde, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 4th May, 2007.

P.C.:

1. Heard the learned Advocate for the petitioner - orig.accused and the learned APP for the State. Perused the record produced by the learned Advocate for the petitioner.

2. The petitioner-orig.accused has been convicted under Section 326 of IPC by the learned 3rd Jt.JMFC, Baramati by judgment and order dated 6.12.2006 in C.C.No.13 of 2000. By the said judgment and order the learned Magistrate sentenced the applicant to suffer RI for one year and fine of Rs.2000/-, in default RI for three months. Being aggrieved by the said judgment and order the applicant preferred Criminal Appeal

No.15 of 2006. The Adhoc Addl.Sessions Judge, Baramati by judgment and order dated 9.4.2007 dismissed the Appeal of the petitioner. Being aggrieved thereby, this Revision has been preferred by the petitioner.

3. The learned Advocate for the petitioner, on instructions, states that the petitioner is not challenging his conviction. However, it is prayed that the sentence of imprisonment may be reduced and instead the fine may be substantially increased.

4. The learned APP states that if the fine amount is substantially increased, he does not have any serious objection to the period of imprisonment being reduced to the period already undergone by the petitioner

5. In view of the above, the conviction of the petitioner is confirmed. However, the sentence of imprisonment is reduced to the period already undergone by the petitioner and fine amount of Rs.2000/- as imposed by the learned JMFC is increased to Rs.10,000/-. In case the fine amount

of Rs.2000/- as imposed by the learned Magistrate has already been deposited by the petitioner, the petitioner will have to deposit the remaining fine amount of Rs.8,000/-. If the fine amount of Rs.2000/- has not been deposited by the petitioner, then the petitioner has to deposit the entire amount of Rs.10,000/- before the trial Court. On the fine amount being deposited in the trial Court, the petitioner - Ramdas Bhagwan Devkate shall be released forthwith, if not required in any other case.

6. Criminal Revision Application is partly allowed.

(SMT.V.K.TAHILRAMANI,J.)